



12-22-05

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert J. Simmons

Serial No.: 10/699,716

Attorney Docket: J-BSIM.1007

Customer No: 56703

December 21, 2005

Filed: November 3, 2003

Group #: 3673

For: Angle-section Column/Beam Connector

Examiner: Gay Spahn

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**PETITION WITHDRAW HOLDING OF ABANDONMENT Under 37 C.F.R. § 1.137(a)**

1. A Notice of Abandonment, dated December 5, 2005, was received in this Office on December 7, 2005. The Notice alleged that Applicant did not file a proper reply to an Office action dated April 13, 2005. Applicant never received the Office action, as is evident from the U. S. Patent and Trademark Office PAIR records, which show that the Office action was returned as undeliverable by the US Postal Service.
2. The inability of the US Postal Service to deliver the Office action is suspect, as it was addressed to the same address as the Filing Receipt, dated February 3, 2004, attached as Exhibit A, and the Notice of Publication, dated May 13, 2004, attached as Exhibit B.
3. It should be noted that the U. S. Patent and Trademark Office, when entering data from Applicant's filing paper entered an incorrect zip code, *i.e.*, the U. S. Patent and Trademark Office entered "97201" *vice* the correct zip code of "97214." It is not clear how this happened, as the undersigned provided a customer number of "23855," which has always had the correct mailing address for the undersigned associated therewith. In spite of the slightly incorrect address, two documents from the U. S. Patent and Trademark Office were received.
4. The undersigned moved office locations in late May of 2005, and immediately submitted a change of address of Customer Number to the U. S. Patent and Trademark Office. In October 2005, designated a client-specific customer number of "56703" for this and a number of other matters. The Notice of Abandonment was sent to the new address and

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10/699,716; Attorney Docket No. J-BSIM.1007

bore the client-specific customer number.

5. This matter was entered in the undersigned's docket system as requiring a call-up on December 3, 2005 to check case status. It is the undersigned's standard procedure to set a status check date of between two years and thirty months following filing of an application to determine if any Office actions have gone astray. The Notice of Abandonment arrived on December 7, 2005.
6. Applicant Petitions the Commissioner to withdraw the Notice of Abandonment and to resend the Office action with a new date for response. It is clear that Applicant did not receive the Office action, as evidenced by U. S. Patent and Trademark Office PAIR records. It is also clear that the U. S. Patent and Trademark Office, once an erroneous notice by the US Postal Service of undeliverable correspondence was received, took no action of any type to determine why the correspondence was not deliverable. The undersigned has, in other instances, received a call from an Examiner seeking to determine whether an application is intended to be abandoned. This did not happen in this instance.

Applicant's application should be reinstated to active status. Applicant recognizes that a Petition under this Section requires a Response to an Office action, however, as Applicant has not received the Office action, a Response is not possible.

7. Applicant further Petitions the Commissioner to refund Applicant's Petition Fee of \$250.00, as this Abandonment occurred through no fault of Applicant or his attorneys.

X The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

X A PTO Form 2038 credit card authorization in the amount of \$250.00 to cover the Petition Fee under 37 C.F.R. § 1.17(l) is enclosed.

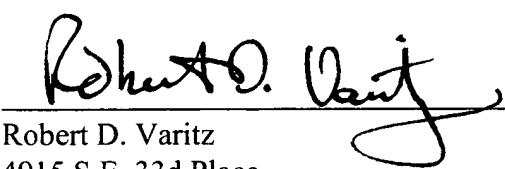
Customer Number

Respectfully Submitted,

**56703**

ROBERT D. VARITZ, P.C.

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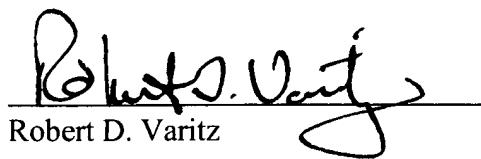
## CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.  
Date of Deposit - December 21, 2005

EV713893941US

I hereby certify that the attached **PETITION WITHDRAW HOLDING OF ABANDONMENT** and a PTO Form 2038 credit card authorization in the amount of \$ 250.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450



Robert D. Varitz

O I P E  
IAP25  
DEC 21 2005

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/699,716	11/03/2003	3637	385	J-BSIM.1007	2	3	2

CONFIRMATION NO. 3534

ROBERT D. VARITZ, P.C.  
 2007 S.E. Grant Street  
 Portland, OR 97201

**RECEIVED****FILING RECEIPT**

FEB - 6 2004



\*OC000000011818834\*

**ROBERT D. VARITZ, P.C.**

Date Mailed: 02/03/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Robert J. Simmons, Hayward, CA;

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/424,080 11/05/2002

**Foreign Applications**

If Required, Foreign Filing License Granted: 02/02/2004

Projected Publication Date: 05/13/2004

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\*****Title**

Angle-section column-beam connector

**Preliminary Class**

052

Exhibit A to Petition to Withdraw Holding of Abandonment

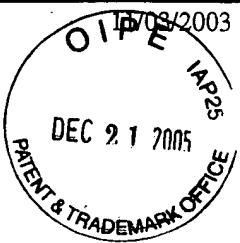


# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/699,716	10/08/2003	Robert J. Simmons	J-BSIM.1007

ROBERT D. VARITZ, P.C.  
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CONFIRMATION NO. 3534



\*OC000000012631260\*

Title: Angle-section column-beam connector      MAY 22 2004

Publication No. US-2004-0088944-A1

Publication Date: 05/13/2004

ROBERT D. VARITZ, P.C.

## NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at [www.uspto.gov](http://www.uspto.gov). The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at [www.uspto.gov](http://www.uspto.gov) using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

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Initial Patent Examination Division (703) 308-1202